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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,467	07/03/2003	David Myr	MAK-105US	4935
7590	05/18/2006		EXAMINER OYEBISI, OJO O	
Lawrence E. Ashery RatnerPrestia One Westlakes (Berwny), Suite 301 P.O. Box 980 Valley Forge, PA 19482			ART UNIT 3628	PAPER NUMBER

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding..

Office Action Summary

Application No.

10/613,467

Applicant(s)

MYR, DAVID

Examiner

OJO O. OYEBISI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kane (US PAT 6,317,728).

Re claims 1-3. Kane discloses a Machine Learning trading system for automatically sending Buy or Sell trading orders for selected securities (see abstract), according to self-optimized trading strategies and parameters (i.e., self-learning of buy and sell rules, see col.14 line 55-col.15 line 40, see col.16 line 63-col.17 line 3, see the abstract, also see col.12 lines 5-10) from trader's computer to computerized market exchanges, comprising of the following modules: Data Feed module for receiving real-time and historical trading data on a variety of securities from a remote data server (i.e., data acquisition system, see the abstract, also see col.17 lines 3-12); trading software module as a means of building trading strategy that generates optimal and/or self-optimized Buy/Sell trading signals based on a number of optimized trading parameters (i.e., The computer arrangement is capable of evaluating the buy/sell data and issuing buy/sell orders in accordance with a plurality of buy/sell rules, i.e. "agents," stored in the system. A feedback arrangement monitors the success and failure of the respective buy/sell agents and assigns rating powers, i.e. weightings, to the buy/sell

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agents in order to implement a learning process for gradually improving the system performance based on past and continuously accumulating experience of the agents, see col.1 lines 6-15); Machine Learning Mechanism module that takes previously optimized Buy/Sell signals and its trading results as an input for building new Buy/Sell signals based on a new and updated trading results, trading data and trading parameters (i.e., During replays (training runs against historical data), a sequence of days is run many times. If the profit is improved upon during a run, the agent values that were in effect at the time of the run are kept, and the agent knowledge base is updated. During live runs with real trading dollars, the system continually updates itself, thereby adapting to changing market conditions. This is highly unique among trading systems); Automatic execution platform as a means of transferring self-optimized Buy/Sell orders from trader's computer to computerized exchanges, automatically and completely without human intervention (see col.11 lines 44-51, also see col.15 lines 5-38).

Re claim 4. Kane further discloses the system of claim 1, further comprising means enabling a trader personal order adjustments according to his preferences and current market conditions (i.e., WealthBuilder also provides a real time internet client allowing users to monitor trade execution and position values held so that a customer can feel connected to the trading environment. The computer makes the decisions but can be monitored remotely. WealthBuilder also allows customer override and entry of trading commands, and provides a single screen for quote and position information, see col.8 lines 19-32).

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Re claim 5. Kane further discloses the system of claim 1, further comprising means of receiving order execution particulars (see fig.18).

Re claim 6. Kane further discloses the system of claim 1, further comprising means of handling partial order execution cases and readjusting the system when partial order execution has occurred (see col.12 lines 17-30, also see fig.11).

Re claim 7. Kane further discloses the system of claim 1, further comprising software for storing and accounting trader's profit/loss information according to order execution details (i.e., (6) Record Trade Data and Account History: (185) When the system wakes up in the morning, it interrogates the brokerage account to obtain available capital, available margin, and other relevant information. The system then proceeds to trade against the account, and records the results of the trades including the reasons each position was taken and exited, and all relevant tax and economic data. All data is timestamped for later audit. For example the prevailing price at the time of an order and the price the order is filled at are both recorded and timestamped, see col.11 lines11-20).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER